

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No. :)
Filed :)
U.S. Patent No. : 5,840,481)
Granted : November 24, 1998)
Patentees : Stephen A. Johnston)
John C. Sanford)
For : PARASITE-DERIVED RESISTANCE)

COMBINED DECLARATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: REISSUE

Dear Sir:

Applicants, Stephen A. Johnston and John C. Sanford, declare that:

- We have reviewed and understand the contents of the specification, including the claims, of the attached reissue application.

We believe ourselves to be the original, first, and joint inventors of the subject matter described and claimed in our original Letters Patent No. 5,840,481, entitled PARASITE-DERIVED RESISTANCE, issued November 24, 1998, based on U.S. Patent Application Serial No. 08/758,561, filed November 29, 1996, and in the attached specification, for which invention we solicit a reissue patent. As to the claimed subject matter of this application, we do not know and do not believe that this subject matter was ever known or used in the United States prior to our invention or discovery thereof. We have the following citizenship, residences, and post office addresses:

2 0 1	FULL NAME OF INVENTOR	FAMILY NAME Johnston	FIRST GIVEN NAME Stephen	SECOND GIVEN NAME A.
	RESIDENCE & CITIZENSHIP	CITY Dallas	STATE/FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	P.O. ADDRESS 10519 Les Jardins	CITY Dallas	STATE & ZIP CODE/COUNTRY 75229
2 0 2	FULL NAME OF INVENTOR	FAMILY NAME Sanford	FIRST GIVEN NAME John	SECOND GIVEN NAME C.
	RESIDENCE & CITIZENSHIP	CITY Geneva	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	P.O. ADDRESS 43 Sunset Dr.	CITY Geneva	STATE & ZIP CODE/COUNTRY New York,

We verily believe that our issued U.S. Patent No. 5,840,481 is partly inoperative by reason of our claiming less than we had a right to claim. In particular, claims 1 - 21 do not operatively protect the full scope of the invention by requiring growing the transformed cells in the presence of the virus and identifying transformed cells which are resistant to infection by the virus.

As to the inoperability defect relating to the requirement of growing the transformed cells in the presence of the virus and identifying transformed cells which are resistant to infection by the virus, the present reissue application amends U.S. Patent No. 5,840,481 by adding new claims 122 -133. Claims 122 and 128 generally correspond to claims 1 and 3, respectively, of U.S. Patent No. 5,840,481. However, claims 122 and 128 do not require that the transformed cells be grown in the presence of the virus and the identification of those cells which are resistant to infection by the virus.

Claims 129 through 133 are dependent claims from claim 128 and generally correspond to claims 4-7 and 16 of U.S. Patent No. 5,840,481. Claims 123-127 depend from claim 122 and add the feature of the particular type of gene being used in the method of claim 122.

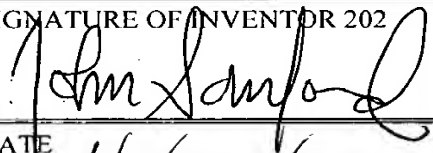
We acknowledge our duty under 37 CFR §1.56 to disclose information of which we are aware which is material to the examination of this application.

All errors being corrected in this reissue application up to the time of filing this declaration arose without deceptive intention on our part.

We appoint Michael L. Goldman, Registration No. 30,727; Dennis M. Connolly, Registration No. 40,964; Gunnar G. Leinberg, Registration No. 35,584; Edwin V. Merkel, Registration No. 40,087 and Jeffery B. Arnold, Registration No. 39,540, as our attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Send all correspondence to:

Michael L. Goldman
Nixon, Hargrave, Devans & Doyle LLP
Clinton Square, P.O. Box 1051
Rochester, New York 14603
(716)263-1304

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202 
DATE	DATE 4/22/99

#10

PATENT
Docket No.: 19603/2293 (CRF D-572L)

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R285728.1

2 0 1	FULL NAME OF INVENTOR	FAMILY NAME Johnston	FIRST GIVEN NAME Stephen	SECOND GIVEN NAME A.
	RESIDENCE & CITIZENSHIP	CITY Dallas	STATE/FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	P.O. ADDRESS 10519 Les Jardins	CITY Dallas	STATE & ZIP CODE/COUNTRY 75229
2 0 2	FULL NAME OF INVENTOR	FAMILY NAME Sanford	FIRST GIVEN NAME John	SECOND GIVEN NAME C.
	RESIDENCE & CITIZENSHIP	CITY Geneva	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
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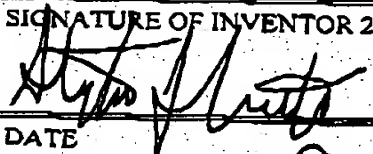
All errors being corrected in this reissue application up to the time of filing this declaration arose without deceptive intention on our part.

R285328.1

We appoint Michael L. Goldman, Registration No. 30,727; Dennis M. Connolly, Registration No. 40,964; Gunnar G. Leinberg, Registration No. 35,584; Edwin V. Merkel, Registration No. 40,087 and Jeffery B. Arnold, Registration No. 39,540, as our attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Send all correspondence to:

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SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202
DATE 4-26-99	DATE